

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District <u>EASTERN</u>
Name (under which you were convicted): <u>CHRISTOPHER DEAN LEIGH</u>		Docket or Case No.: <u>116SF-CR00199</u>
Place of Confinement: <u>MISSOURI EASTERN CORRECTIONAL CENTER</u>		Prisoner No.: <u>79549</u>
Petitioner (include the name under which you were convicted)      Respondent (authorized person having custody of petitioner)  <u>CHRISTOPHER DEAN LEIGH</u> v. <u>GREGORY HANCOCK</u>		
The Attorney General of the State of <div style="text-align: center;"><u>MISSOURI</u></div>		

**PETITION**

1. (a) Name and location of court that entered the judgment of conviction you are challenging: SANDRA MARTINEZ DIVISION 1 (ONE) ST. FRANCOIS  
COUNTY MISSOURI
- (b) Criminal docket or case number (if you know): 116SF-CR00199 AGG. STICK (D)
2. (a) Date of the judgment of conviction (if you know): 5 AUGUST 2016
- (b) Date of sentencing: 5 AUGUST 2016
3. Length of sentence: FOUR (4) YEARS
4. In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No ☐
5. Identify all crimes of which you were convicted and sentenced in this case: 116SF-CR00199 AGG. STICK, 4 YRS., 116SF-CR00614-01 AGG. STICK,  
4 YRS., 116SF-CR00615-01 AGG. STICK, 4 YRS. ALL SENTENCES  
TO RUN CONSECUTIVE, 16 YRS. TOTAL.
6. (a) What was your plea? (Check one)
 

(1) Not guilty ☐  
 (2) Guilty ☒

(3) Nolo contendere (no contest) ☐  
 (4) Insanity plea ☐

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? N/A

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(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☐

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Docket or case number (if you know): \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result (if you know): \_\_\_\_\_

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: \_\_\_\_\_

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(g) Did you seek further review by a higher state court? Yes ☐ No ☐

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Result: \_\_\_\_\_

\_\_\_\_\_

(4) Date of result (if you know): \_\_\_\_\_

(5) Citation to the case (if you know): \_\_\_\_\_

(6) Grounds raised: \_\_\_\_\_

\_\_\_\_\_

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(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: DEVISION 1 ST. FRANCOIS COUNTY MISSOURI

(2) Docket or case number (if you know): 17 SF-CC00094

(3) Date of filing (if you know): 28 APRIL 2017

(4) Nature of the proceeding: POST-CONVICTION RELIEF (FORM 40)

(5) Grounds raised: INEFFECTIVE ASSISTANCE OF COUNSEL,

GUILTY PLEAS ENTERED UNDER DURESS, DID NOT VFO -

LATE SECTION OR SUBSECTION R.S.M.O. 565.225. ALLEGED

VICTIM, SUE EVANS, HAS IN FACT, COMMITTED THE FELONIES

OF CONSPIRACY, PERJURY, AND CONCEALING EVIDENCE.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☒ No ☐

(7) Result: POST-CONVICTION RELIEF WAS DENIED THREE (3) TIMES.

(8) Date of result (if you know): 24 MAY 2016, 31 JULY 2020, 6 OCTOBER 2021

- (b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_



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(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_  
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(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☒ No ☒

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: DEFENSE COUNSEL CONSPIRED WITH PROSECUTION AND JUDGE TO AND DID WITHHOLD EXCULPATORY EVIDENCE.

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

WHEN THE COMPLAINING WITNESS WAS DEPOSED, SHE STATED ON THE RECORD THAT SHE WAS NOT THREATENED. DEFENSE COUNSEL NOR PROSECUTION PRODUCED SAID DEPOSITION PRIOR TO ANY PLEA. THE SENTENCING JUDGE WAS WELL AWARE OF THE CONTENTS OF THIS DEPOSITION.

- (b) If you did not exhaust your state remedies on Ground One, explain why: \_\_\_\_\_

- (c) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

- (2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

- (d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF (FORM 40)

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

DIVISION 1 ST. FRANCIS COUNTY, MISSOURI

Docket or case number (if you know): 17SF-CC00094

Date of the court's decision: 31 JULY 2020, 6 OCTOBER 2021

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

RELIEF DENIED

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

MISSOURI COURT OF APPEALS EASTERN DISTRICT

Docket or case number (if you know): ED 110134

Date of the court's decision: 16 AUGUST 2022

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: \_\_\_\_\_

**GROUND TWO:** PLEA WAS INVOLUNTARY AND UNKNOWING.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
WAS UNAWARE OF THE CONTENTS OF COMPLAINING WITNESS'  
DEPOSITION.



(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF (FORM 40)

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

DIVISION I ST. FRANCOIS COUNTY, MISSOURI

Docket or case number (if you know): 17SF-CC00094

Date of the court's decision: RELIEF DENIED

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

MISSOURI COURT OF APPEALS EASTERN DISTRICT

Docket or case number (if you know): ED 110134

Date of the court's decision: 16 AUGUST 2022

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: \_\_\_\_\_

**GROUND THREE: NO FACTUAL BASIS FOR CHARGES OF AGGRAVATED STALKING.**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE COMPLAINING WITNESS STATED THAT SHE WAS NOT THREATENED SPECIFICALLY.

(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_



**(d) Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF (FORM 40)

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

DIVISION I ST. FRANCOIS COUNTY, MISSOURI

Docket or case number (if you know): 17 SF-00094

Date of the court's decision: 31 JULY 2020, 6 OCTOBER 2021

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

RELIEF DENIED

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

MISSOURI COURT OF APPEALS EASTERN DISTRICT

Docket or case number (if you know): ED 110134

Date of the court's decision: 16 AUGUST 2022

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

**GROUND FOUR: CONTENTS OF MESSAGES IS PROTECTED SPEECH.**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

TELLING THE COMPLAINING WITNESS SHE IS GOING TO JAIL  
AND PRISON AND THAT HER COMPANY IS GOING TO BE SUED  
OUT OF BUSINESS IS PROTECTED SPEECH.

(b) If you did not exhaust your state remedies on Ground Four, explain why: \_\_\_\_\_

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_(d) **Post-Conviction Proceedings:**(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF (FORM 40)

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

DIVISION I ST. FRANCOIS COUNTY, MISSOURI.Docket or case number (if you know): 17SF-CC00094Date of the court's decision: 31 JULY 2020, 6 OCTOBER 2021

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

MISSOURI COURT OF APPEALS EASTERN DISTRICT

Docket or case number (if you know): ED 110134

Date of the court's decision: 16 AUGUST 2022

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: \_\_\_\_\_

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☒ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: \_\_\_\_\_

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: \_\_\_\_\_

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒



If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: PHILIP SCANLON ADDRESS UNKNOWN

\_\_\_\_\_

(b) At arraignment and plea: PHILIP SCANLON ADDRESS UNKNOWN

\_\_\_\_\_

(c) At trial: N/A

\_\_\_\_\_

(d) At sentencing: PHILIP SCANLON ADDRESS UNKNOWN

\_\_\_\_\_

(e) On appeal: N/A

\_\_\_\_\_

(f) In any post-conviction proceeding: MATT BELL, LISA STROUP, STEVEN KRATKY, SUSAN De GEORGE, ANDREW MOSSMAN, 1010 MARKET ST. ST. LOUIS, MO 63101 SEC. 1100

\_\_\_\_\_

(g) On appeal from any ruling against you in a post-conviction proceeding: \_\_\_\_\_

ANDREW MOSSMAN 1010 MARKET ST. SEC. 1100 ST. LOUIS, MO. 63101

\_\_\_\_\_

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒



Therefore, petitioner asks that the Court grant the following relief: TO VACATE SAID  
CONVICTIONS AND ORDER PETITIONERS RELEASE FORTH WITH.

or any other relief to which petitioner may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct  
and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on  
DECEMBER 12, 2022 (month, date, year).

Executed (signed) on DECEMBER 12, 2022 (date).

Christopher Leigh

Signature of Petitioner

\_\_\_\_\_  
\*(...continued)

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.



If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

IN FORMA PAUPERIS DECLARATION

U.S. DIST. COURT EASTERN DIST. MISSOURI

[Insert appropriate court]

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